

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Magleth Rd., 165' +/- W of * ZONING COMMISSIONER
S opposite c/l Goldenrod Lane *
Prop. 9712A & 9712B Magleth Rd. * OF BALTIMORE COUNTY
11th Election District *
6th Councilmanic District *
Joseph E. Buchanan, II * Case Nos. 94-188-SPH
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the subject property located at 9712 Magleth Road in the Carney section of Baltimore County. The Petition is filed by Joseph E. Buchanan, II, property owner. Therein, relief is requested, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the re-subdivision of a part of lot No. 2 so as to create lot Nos. 21 and 22. Also sought is approval to an amendment of the Third Final Development Plan of the Subdivision known as Britinay III. The relief requested and subject property is more particularly shown on Petitioner's Exhibit No. 1, the Third Amended Final Development Plan.

Appearing at the public hearing held for this case was the Petitioner/property owner, Joseph E. Buchanan, II. Mr. Buchanan appeared without counsel. Appearing in opposition to the request was an adjoining property owner, Thomas W. Sperl. Accompanied by Mr. Sperl was his engineer, Thomas A. Church.

Many of the facts and history of the property as related by the testimony is not in dispute. The subject property (lot No. 2) is part of a larger tract which is approximately 8.5 acres. This larger tract is split zoned D.R.3.5 and D.R.5.5. The predominant zoning is D.R.5.5. Although Mr. Buchanan now owns lot No. 2, the entire tract was at one time owned by Mr. Sperl. Mr. Sperl indicated that he acquired the property with his

brother by gift. At the time of his acquisition several years ago, the property was largely unimproved.

Thereafter, through Mr. Church, his engineer, Mr. Sperl set about to develop the property. A subdivision plan was submitted to Baltimore County which was ultimately approved. This plan called for 19 lots on the property. It is to be noted that two of the lots, numbered lot No. 2 and lot No. 3, were large lots which abut Magleth Road. They were already improved with existing houses which were to remain. Sixteen of the remaining lots were clustered around a newly created roadway known as Brookings Court. The final lot, known as lot No. 1, was located on the southwest corner of the parcel. But for lots 2 and 3, the remainder of the lots are small. Moreover, access to lot No. 11 is by way of a panhandle driveway from Brookings Court.

Mr. Sperl testified that he continues to own and reside on lot No. 3. This property is improved by a large existing house known as 9714 Magleth Road. The property also contains a tennis court to the rear. The other large lot remaining, (lot No. 2) was acquired by the Petitioner, Mr. Buchanan. It is also significant to note that the total density available to the entire tract would allow 29 dwelling units. However, as noted above, 19 units were actually proposed under the original plan, the two existing large houses and 17 new lots.

Mr. Buchanan testified that he acquired lot No. 2 with the intention of subdividing same. As shown on his site plan, he has subdivided lot No. 2 so as to create two additional lots, to be known as lots Nos. 20 and 21. Thus, the large property which formerly comprised lot No. 2 will be divided. The surviving portion of lot No. 2 will be significantly smaller. Moreover, the proposed lots are stacked so that a panhandle driveway is provided so as to access lot No. 21. The proposed dwelling on that lot

-2-

sits to the rear of the proposed structure for lot No. 20. Lot No. 20, as shown on the site plan, fronts Magleth Road.

In support of his Petition, Mr. Buchanan notes the above density calculations and that the site is large enough to support 21 lots under the applicable density regulations. He also observes that lots 20 and 21 are consistent with the 16 new lots adjacent to Brookings Court which were created. He believes that the houses to be built on his two new lots will be consistent and compatible with the existing development.

For his part, Mr. Sperl contests the assertions made by the property owner. He indicates that he intentionally clustered development toward the rear of the entire tract so as to preserve the two large lots (lots 2 and 3) adjacent to Magleth Road. He argues that these lots are consistent with the properties in the subdivision across Magleth Road known as Cloverfield Manor. The proposed subdivision in Mr. Sperl's view, will be detrimental to both lots 2 and 3 as well as the subdivision across the street.

Indeed, this case presents a novel situation where the shoe is indeed on the other foot. No doubt, Mr. Sperl, when he owned the entire tract, sought to utilize density to the greatest extent possible. However, now he complains when a subsequent owner in title wishes to further subdivide and potentially crowd his property. Mr. Sperl would have been well served by attaching a deed restriction in his conveyance of lot No. 2 to Mr. Buchanan prohibiting further subdivision. However, he did not so restrict the transfer of the property and thus is dependent upon the Petition for Special Hearing being denied.

In adjudging the merits of the Petition before me, one need note Section 500.7 of the B.C.Z.R. wherein the Zoning Commissioner has wide authority to conduct hearings and pass Orders as in his discretion are

-3-

necessary for the proper enforcement of the zoning regulations. Thus, this matter comes before me under the authority conferred by that section as a request that the proposed subdivision be granted. It is also interesting to note that both the Petitioner and Petitioner produced alleged support for their respective positions from neighbors within the community. Mr. Buchanan produced a signed plat which contained the signatures of many of his neighbors, allegedly in agreement that the proposed subdivision was proper. Mr. Sperl produced letters, several signed by many of the same individuals who signed Mr. Buchanan's plat, opposing the subdivision. Thus, I can give little credence to either side and must make my decision without the input of the community at large.

An interesting comment was received from the Office of Planning and Zoning (OPZ) regarding this project. Therein, OPZ opined that the proposed subdivision was not appropriate. They particularly stated that the panhandle access to the proposed lot No. 21. In OPZ's view, panhandles are to be utilized only in certain circumstances to avoid development in environmentally sensitive areas or to provide access to interior lots where a public road is neither feasible nor desirable. OPZ specifically relies on Section 26-266 of the B.C.Z.R. as authority for their position.

After carefully considering the evidence and testimony presented, I am not persuaded that the proposed subdivision is appropriate or warranted. The mere fact that additional density remains from this larger tract, is not a sufficient basis to justify this subdivision. Were that rationale to be applied uniformly, all development, to the maximum density allowed, would be permitted. Thus, development would be encouraged under such a theory without regard to site constraints, the existing uses of the property and its impact on the surrounding locale. Although Mr. Sperl may have squeezed lots into the interior of the site, the front portion of the

-4-

tract does possess large lots which are compatible with the Cloverfield subdivision across the street. A subdivision of one of these large lots on the major access road (Magleth Road) is neither desirable nor appropriate. Thus, I shall deny the Petition for Special Hearing which has been filed and will so order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of January 1994, that, pursuant to the Petition for Special Hearing, approval to permit the re-subdivision of a part of lot No. 2 so as to create lot Nos. 21 and 22, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.); and approval to amend the Third Final Development Plan of the Subdivision known as Britinay III, be and is hereby DENIED.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 11, 1994

Mr. Joseph E. Buchanan, II
9712 Magleth Road
Baltimore, Maryland 21234

RE: Case No. 94-188-SPH
Petition for Special Hearing
Property: Proposed 9712A and 9712B Magleth
Joseph E. Buchanan, II, Petitioner

Dear Mr. Buchanan:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

encl.
cc: Mr. Thomas W. Sperl, 9714 Magleth Road, Balto. Md., 21234
Mr. Thomas A. Church, 6603 York Road, Balto. Md. 21212



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at 9712A & B Magleth Rd.
which is presently zoned DR-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the re-subdivision of part of lot 2 (lot numbers 21 & 22) as approved by the Planning Office and to amend the third final development plan of Britinay III for same.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner

(Type or Print Name)

Signature

Address

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

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City State Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

Address

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9712 Magleth Rd. (410) 661-2431

Balto. 17D 21234

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Zoning Description for 9712 A & B Magleth Rd.
Elect Dist. 11 Co. Dist. 6

Beginning of point on the north side of Magleth Rd. 165 ft E. west of the center line of (and opposite) Goldenrod Lane, from a part of lot 2 in the Subdivision of (2nd amended Final Development Plan of) Britinay III as recorded in plat book 61 folio 11

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner/
Deputy Zoning Commissioner
DATE: October 29, 1993
FROM: John J. Sullivan, Jr.
Planner II
SUBJECT: Item Number 189

At this morning's 9:45 a.m. petition filing appointment, Mr. Joseph Buchanan stated that he is the owner of the sites, that the planning office has approved the resubdivision and that Mitchell Keiman of this office advised him to file this special hearing to amend the third amended final development plan of Britany III.

JJS:jaw

Mr. Buchanan did not know the exact location of this site on the 1 inch = 1000 ft. scale zoning map (NR, 10-P).

Joseph E. Buchanan

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt
Zoning Commissioner
DATE: December 1, 1993
FROM: James H. Thompson
Zoning Enforcement Coordinator
RE: Case No. 94-188-SPH
N/S Magleth Road, 1651 West
of and opposite C/L Goldenrod Lane
Joseph E. Buchanan, III - Petitioner

At present, the enforcement section has an active violation case, 94-188-SPH against the referenced property.

Photographic evidence submitted to our office on November 26, 1993, alleges that the subject property is being used to:

1. store/park commercial vehicles;
2. operate contractor's equipment storage yard.

Inspector Gary Freund has been assigned to investigate this matter and will keep your office informed of the action we undertake concerning this site.

JHT/hek

cc: Inspector Gary Freund
Mr. Thomas W. Sperl

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
DATE: December 8, 1993
SUBJECT: Item #189 - 9712 A & B Magleth Road

Based upon a review of the information, staff offers the following comments.

Panhandle lots are not considered matters of right but rather a project design solution that may be approved under proper circumstances. Generally, panhandle lots are not appropriate in urban neighborhoods. The Development Regulations in Section 26-266 states the following regarding panhandle lot development. "Panhandle lots may only be permitted to achieve better use of irregularly shaped parcels, avoid development in environmentally sensitive areas and to provide access to interior lots where a public road is neither feasible nor desirable. Panhandle lots may be permitted only where such lots would not conflict with efforts to provide for public safety and general welfare."

Staff recommends that the applicant's request be denied for the reasons as follows:

-Based on the existing built environment of the area in the immediate vicinity of the applicant's request, the proposed subdivision is inappropriate because of its incompatibility and would be detrimental to adjacent properties along Magleth Road.

-Lot two is not irregularly shaped, so access is not an issue.

Prepared by: *Jeffrey W. Long*

Division Chief: *Pat Keller*

PK/JL:lw

ZAC-189/PZONE/ZAC1

Pg. 1

94-188-SPH

Purchased property from Tom Spurl-

CNG approval for 22 lots

He owns lot 2

Development reduced to 11 lots

freed up density

intent to subdivide -

Spurl's intent was

lot -

sub subdivision 8.2 acres

lot 2 - about 1 acre

D.A. 35-

Original houses - on lots 2 & 3

*intended on subdividing
to create lots 20 & 21*

*lots 20 & 21 will be about
the size of lots 4-19*

Tom Spurl-

8 acre parcel-

*3 gifted to him & his
brother*

developed for living

he lives right here at 9714

houses across the street

are his subdivision-

He wanted lots 2 & 3

sold lot 1

*Home of neighborhood - smaller
lots are 150,000*

*Buchanan house & Spurl house
for 200,000 plus*

will reduce values of lots

Church did original subdivision

*allowed 29 lots, 22 lots
first proposed, then 19 lots*

*Where's the
OPK
Comments*

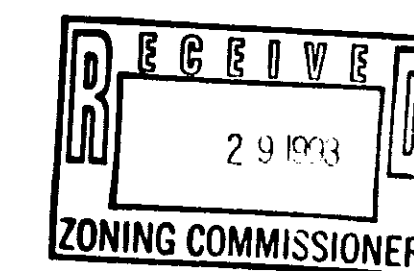
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12/2

SPERL

November 23, 1993

Hearing Officer
Zoning Commissioner's Office
Baltimore County Office Building
Room 113
440 Washington Avenue
Towson, Md. 21204



RE: 9712 Magleth Road
Zoning Variance - # 94-188-SPH

Dear Sir,

As you are aware, there is a subdivision attempt being made at 9712 Magleth Road, Baltimore, Md. by Joseph E. Buchanan. This subdivision will adversely affect existing homes in the neighborhood and extremely lower property values.

I would like to voice my opinion that I am totally and adamantly against the subdivision. I also have eleven (11) signed petitions from neighbors less than 300 ft. to the east, north, and west who are also voicing their opinions. I have included these petitions for your review.

It is my understanding that in order to subdivide a subdivision, one must obtain approval from all parties within 300' of said subdivision on Final Development Plan. This is absolutely not the case, and we are totally against it.

Please respond as soon as possible to enlighten us as to the rights of the people in a case such as this, as we are willing to go to great lengths, judicially, to prevent this wrongdoing.

I am representing all concerned neighbors (see attached petitions), therefore, should any documentation regarding this case be available, please forward to my attention at 4111 E. Joppa Rd. Ste. 202, Balto., Md. 21236. Thank you very much for your attention to this matter.

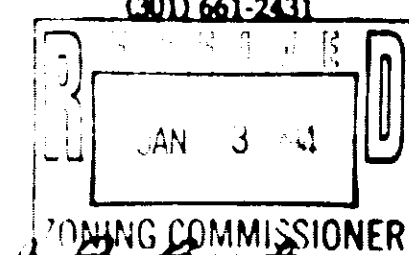
Very truly yours,

Sub 202
4111 E. Joppa Rd.
Baltimore, MD 21236

(410) 256-1000
Arnold Jablon,
Director of ZADH



J. E. BUCHANAN, INC.
9712 MAGLETH ROAD
BALTIMORE, MD 21234
(301) 661-2431

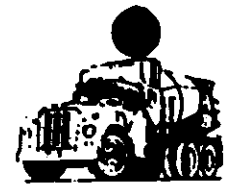


3/31/92

Mr. Escalante,
I, Joseph E. Buchanan, the owner of lot 2 of the Britany III Subdivision have received a letter on March 23, 1992 from T.W.S. Inc. indicating that they objected to the approval of my proposal for revision of lot 2.

As you recall, the Refinement Committee acted on my behalf on March 16, 1992, and made their position clear. At this time I would offer the following statement of facts:

- 1) T.W.S. Inc. does neither now nor did own lot 2 when BRITANY III was recorded. The owner/developer of record was "RYAN OPERATIONS"
- 2) The second revised CNG plan which was submitted to your office (see attached transmittal) was clearly shown to be a subdivision.



J. E. BUCHANAN, INC.
9712 MAGLEDT ROAD
BALTIMORE, MD 21234
(301) 661-2431

record and does not contain
D.E.C., INC. professional seal,
nor was my proposal intended
to infer same.
3) D.E.C., INC. has not shown
responsibility by falsifying
the two Final Development
plans dated 3/3/89 and 3/24/91
in which neither amendment
carried the Buchanan's
signatures and resulted in
detrimental changes to the
approved storm drain systems
and non compliant grading).

Since D.E.C., Inc. and T.W.S., Inc.
seen to object to my proposal, I suggest
that they contact me personally so
that the parties involved can resolve
their differences.

Very truly yours,

C.C. Doug Duvall

339/

INTER-OFFICE SUBDIVISION PROCEDURE

*PINK COPY

- 1 Zoning.....Mr. Richard
1 C & P Telephone Company.....Mr. Hudak
1 Developers Approval.....Mr. Bowling
1 DEPRM.....Mr. Pilson
1 Storm Water Management.....Mr. Wirth
1 Environmental Impact Review.....Mr. Powell
1 Bureau of Public Services.....Ms. Lutz
1 Department of Recreation & Parks.....Mr. Kincer
2 State Highway Administration.....Ms. Blank
1 Land Acquisition.....Mr. Beaumont
1 Land Acquisition.....Mr. Goode
1 File

DATE: April 20, 1992
SUBDIVISION: Name 2nd Am. Britinay III, Lt. 2
Location 11c6

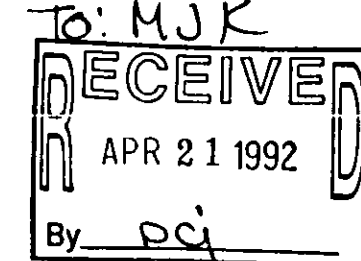
Enclosures Transmitted Herewith:
Plans

Prints

Final Check Prints..... X

PROJECT NUMBER 87194
REMARKS:

IMPORTANT - NOTICE TO AGENCIES: There is a fifteen day expiration date
for comments and approval for returning comments. If you do not meet the
15 day expiration deadline, and do not request an extension of time, our
office will assume you have no comments or changes.



Baltimore County Government
Department of Public Works

5-17-92

111 West Chesapeake Avenue
Towson, MD 21204-4604

March 17, 1992

Development Engineering Consultants, Inc.
6603 York Road
Baltimore, Maryland 21212
377-2600

Re: BRITINAY III
C.R.G. #87194

Gentlemen:

The Refinement Review Committee met on Monday, March 16, 1992, to
consider the plan submitted for review.

The decision was as follows:

Amend the Final Development Plan and amend the Record Plat.
Submit panhandle design to Developers Engineering Division and
Strategic Planning Development Review Section for panhandle approval.
Final development plan approval will be contingent upon panhandle
approval.

After the above agencies have reviewed the Final Development Plan and
the Amended Record Plat, you will be notified by Baltimore County.

Should you have any questions, please contact me at 887-3321.

Sincerely,

David L. Thomas
DAVID L. THOMAS, P.E.
Assistant Chief
Bureau of Public Services

DLT:bjs

cc: Dennis A. Kennedy
John Lewis
Erv McDaniel
File

BRITNIII/EDMS

111 West Chesapeake Avenue
Towson, MD 21204-4604

March 17, 1992

Joc Buchanan
9712 Magledt Rd
Baltimore, Md 21234
Development Engineering Consultants, Inc.
6603 York Road
Baltimore, Maryland 21212
377-2600 Tel # 661-2431

Re: BRITINAY III
C.R.G. #87194

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Sincerely,

David L. Thomas
DAVID L. THOMAS, P.E.
Assistant Chief
Bureau of Public Services

DLT:bjs

cc: Dennis A. Kennedy
John Lewis
Erv McDaniel
File

BRITNIII/EDMS

3/19/92
For Pickup by
Mr. Buchanan
Jord

Mr. Buchanan:
The Amended Final De-
velpment plan & record plat shall
be rescaled & signed by
authorized professional.
If you have any questions
pls. call me.

I/WE ARE OPPOSED TO ANY SUBDIVISION OF LOT # 2 IN THE SUBDIVISION
KNOWN AS " BRITINAY III ". AND DO NOT WISH THAT THIS ACTION BE
ALLOWED BY BALTIMORE COUNTY, MD.

HOMEOWNER(S): ROTH, JOHN R., III & ELIZABETH A.

ADDRESS: 4 BROOKINGS COURT
BALTIMORE, MD. 21234

SUBDIVISION: BRITINAY III

LOT #: 5

John R. Roth III
Elizabeth A. Roth

4-10-92
DATE

4-18-92
DATE

I/WE ARE OPPOSED TO ANY SUBDIVISION OF LOT # 2 IN THE SUBDIVISION
KNOWN AS " BRITINAY III ". AND DO NOT WISH THAT THIS ACTION BE
ALLOWED BY BALTIMORE COUNTY, MD.

HOMEOWNER(S): COPELAND, WILLIAM H., JR. & YOLANADA A.

ADDRESS: 2 BROOKINGS COURT
BALTIMORE, MD. 21234

SUBDIVISION: BRITINAY III

LOT #: 4

William H. Copeland Jr.
YOLANADA A. COPELAND

4/5/92
DATE

DATE

I/WE ARE OPPOSED TO ANY SUBDIVISION OF LOT # 2 IN THE SUBDIVISION
KNOWN AS " BRITINAY III ". AND DO NOT WISH THAT THIS ACTION BE
ALLOWED BY BALTIMORE COUNTY, MD.

HOMEOWNER(S): ROBIER, BERNARD C., JR. & CLAIRE L.

ADDRESS: 9 BROOKINGS COURT
BALTIMORE, MD. 21234

SUBDIVISION: BRITINAY III

LOT #: 16

Bernard C. Robier, Jr.
CLAIRE L. ROBIER

4-15-92
DATE

DATE

I/WE ARE OPPOSED TO ANY SUBDIVISION OF LOT # 2 IN THE SUBDIVISION
KNOWN AS " BRITINAY III ". AND DO NOT WISH THAT THIS ACTION BE
ALLOWED BY BALTIMORE COUNTY, MD.

HOMEOWNER(S): POOLE, DAVID W. & TAYLOR POOLE, JANIE N., ET AL

ADDRESS: 12 BROOKINGS COURT
BALTIMORE, MD. 21234

SUBDIVISION: BRITINAY III

LOT #: 9

David W. Poole
JANIE N. TAYLOR-POOLE

4-10-92
DATE

DATE

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Joseph E. Buchanan	7712 Magledt Rd Baltimore, Md 21234

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Thomas W. Spence	1111 Magledt Rd Baltimore, Md 21234
Thomas J. Church	1111 Magledt Rd Baltimore, Md 21234

Office of Planning & Zoning
Baltimore County, Maryland

REQUIRED INFORMATION FOR PANHANDLE REVIEW

Project Name Britinay III Project No. _____

In addition to the information required for a development plan, as
listed in Sec. 26-203 of the Development Regulations, Sec. 26-266
requires the following information.

The orientation of the dwelling(s) shall be indicated on the
plan. The dwelling(s) shall be oriented to establish a desirable
relationship between the proposed dwellings and existing adjacent
homes and between the proposed dwellings themselves. Fronts facing
rears of houses are generally unacceptable.

Often a note will be required on the plan indicating that
"Class A" screening, as per pages 6 and 7 of the Landscape Manu-
al, will be required between the lots," depending on the topography
and orientation of the dwellings. Show the screening

A note must be put on the plan that says: "The panhandle shall
be paved within one year of the issuance of the first occupancy per-
mit and prior to the issuance of the occupancy permit of the last lot
to be served, whichever comes first."

The plan must show the panhandle profile.

The width and length of the proposed panhandle paving and
right-of-way must be shown on the plan.

The width and length of any existing recorded easement or
right-of-way shall be shown on the plan.

Note: Panhandle strips shall be a minimum of 20 feet in width to
serve one lot, a minimum of 12 feet in width per lot to serve two
lots, and a minimum of 10 feet in width to serve three or more lots.
In the Metropolitan area, where public water and sewer are available,
the minimum panhandle fee strip for two or more lots is 12 feet.

If these minimum widths cannot be met, a waiver must be requested
by completing the attached statement. Proposed right-of-way of
feet is requested in lieu of the required _____ feet.

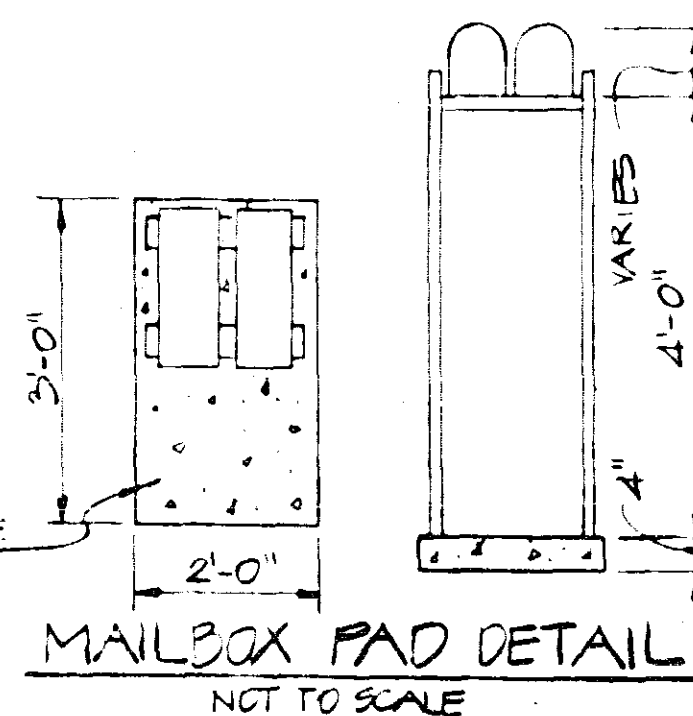
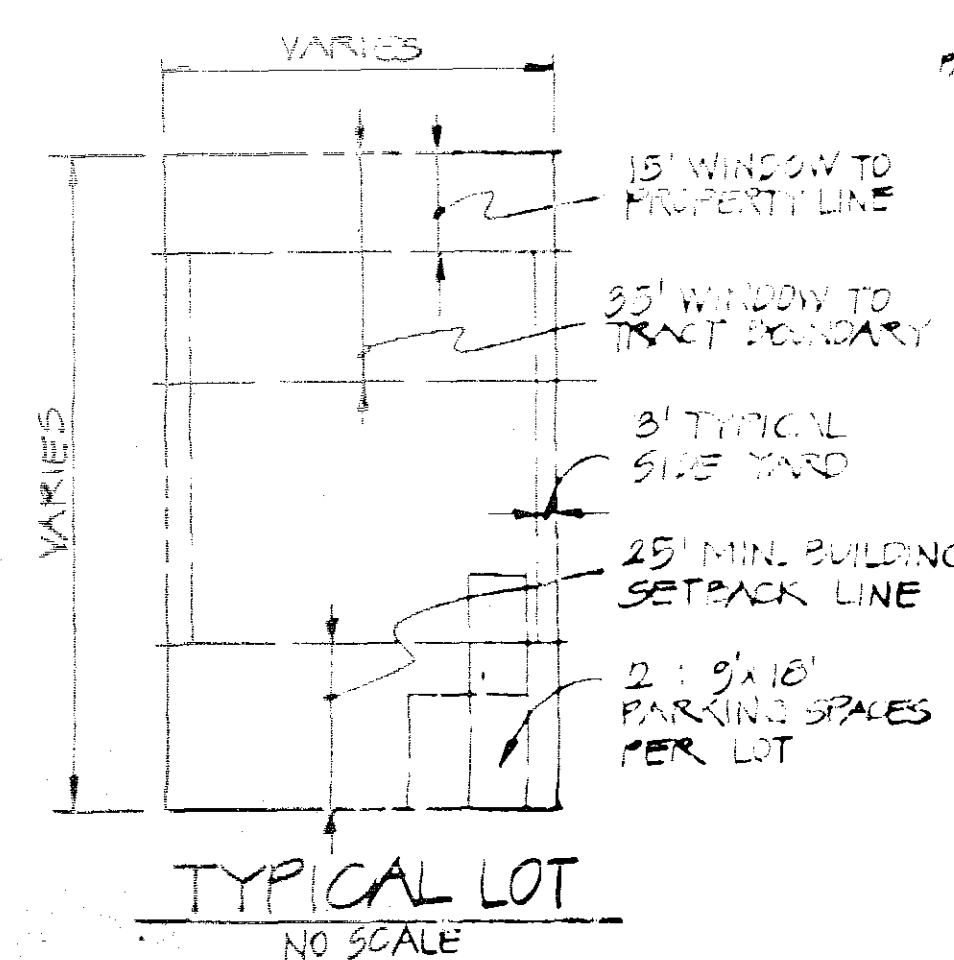
The panhandle law stipulates that a panhandle lot or lots cannot be
detrimental to adjacent properties. In order to evaluate the pro-
posed development in the context of its surroundings, the Office of
Planning and Zoning requires the following information for its review.

A "neighborhood map" showing buildings and, where feasible,
property lines within 500 feet of the site. This can be compiled by
submitting an enlarged aerial photograph of the area, or by any other
method that does require an actual survey. The orientation of the
surrounding houses should be indicated.

Show location of mail box & paved trash collection area.
Show house and orientation on Lot 21.

ADDITIONAL GENERAL NOTES:

- 15) UNDERGROUND FUEL TANKS LOCATED ON LOTS 2 AND 3 TO REMAIN IN USE.
- 16) PLAN OF BRITINAY II APPROVED BY COUNTY REVIEW GROUP ON JULY 23, 1987.
- 17) TREES WITHIN THE 35 FT. SETBACK LINE AROUND THE SITE WILL BE RETAINED WHERE POSSIBLE.
- 18) STORM WATER MANAGEMENT FOR THIS SITE IS INCLUDED IN DESIGN OF FACILITY LOCATED WITHIN BRITINAY II.
- 19) SITE ACREAGE : GROSS AREA = 8.2 ACRES± (INCLUDES 30' OF MAGLEDT RD.)
NET AREA = 8.2 ACRES±
- 20) LOCAL OPEN SPACE : REQUIRED = 650 # PER LOT (21 LOTS) * (250 #) = 157,500 #
PROPOSED = 17,888.3 # = 0.41 ACRES±
- 21) PARKING : REQUIRED = 2 SPACES PER LOT (21 LOTS) * (2) = 42 SPACES
PROPOSED = 42 SPACES
- 22) DENSITY CALCULATIONS : ALLOWED : 0.2 AC. ZONED DR 3.5 (8.0) * (0.5) = 4.0 UNITS
0.2 AC. ZONED DR 5.5 (0.2) * (5.5) = 1.1 UNITS
20.1 DWELLING UNITS ALLOWED
PROPOSED : 21 SINGLE FAMILY DWELLINGS
19 LOTS FOR SALE
LOTS 2 AND 3 ARE EXISTING
- 23) COUNCILMANIC DISTRICT #6
- 24) CENSUS TRACT 4114.04
- 25) WATERSHED 4, SUBWATERSHED 18
- 26) THERE ARE NO KNOWN WETLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HAZARDOUS MATERIAL SITES ON SITE.
- 27) OPEN SPACE TO BE MAINTAINED BY BALTIMORE COUNTY. ACCESS VIA BRITINAY II.
- 28) TRASH COLLECTION TO BE BY BALTIMORE COUNTY.
- 29) SIDEWALKS ARE REQUIRED ADJACENT TO PUBLIC ROADS SERVING THIS SITE. THE WALKS SHALL BE 4 FT. WIDE AND SHALL BE INSTALLED TO CONFORM WITH BALTIMORE COUNTY STANDARDS, WHICH PLACES THE BACK EDGE OF THE SIDEWALK 2 FT. OFF THE PROPERTY LINE, OR THE ADJACENT UNENCUMBERED AREA.
- 30) NO CLEARING, GRADING OR CONSTRUCTION IN STREAM BUFFER AREA WITHOUT APPROVAL OF DEPRM.
- 31) FOR LOTS 2, 20 & 21: EX. DRIVE TO BE REMOVED; A 16' WIDE BIT CONC. DRIVE TO BE CONSTRUCTED & USED IN COMMON. PANHANDLE MUST COMPLY WITH BA CO. BILL # 172-89.



ABOVE-GRADE ELEVATION OF HIGHEST POINT	MIN. HORIZONTAL DIST. TO VERTICAL PROJECTION OF POINT ON BUILDING NOT MUTUALLY ATTACHED
20 FEET OR LESS	10 FT.
MORE THAN 20' LESS THAN 25'	25 "
" 25' " 30'	30 "
" 30' " 40'	40 "
" 40' " 50'	60 "

MIN. HORIZONTAL SEPERATION OF BLDG. SINGLE FAMILY HOUSES

PANHANDLE NOTE:

THE PANHANDLE SHALL BE PAID WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PER TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.

REASON FOR FIRST AMENDMENT: 3/31/89
CREATE WIDER LOTS BY REDUCING TOTAL NUMBER OF LOTS FROM 22 LOTS TO 13 LOTS.
ADJUST GRADES AND UTILITIES FOR NEW LOTS.

NOTE:
NO LOTS HAVE BEEN SOLD WITHIN 2.0' OF THESE REVISIONS.

NON-MATERIAL CHANGE
REASON FOR SECOND AMENDMENT:
(R-20-91) - REMOVED STORM DRAIN BETWEEN LOTS 6 & 8 AND LOTS 6 & 7

THIRD AMENDED
FINAL DEVELOPMENT PLAN
BRITINAY III

ELECTION DISTRICT NO. 11

BALTIMORE COUNTY MARYLAND

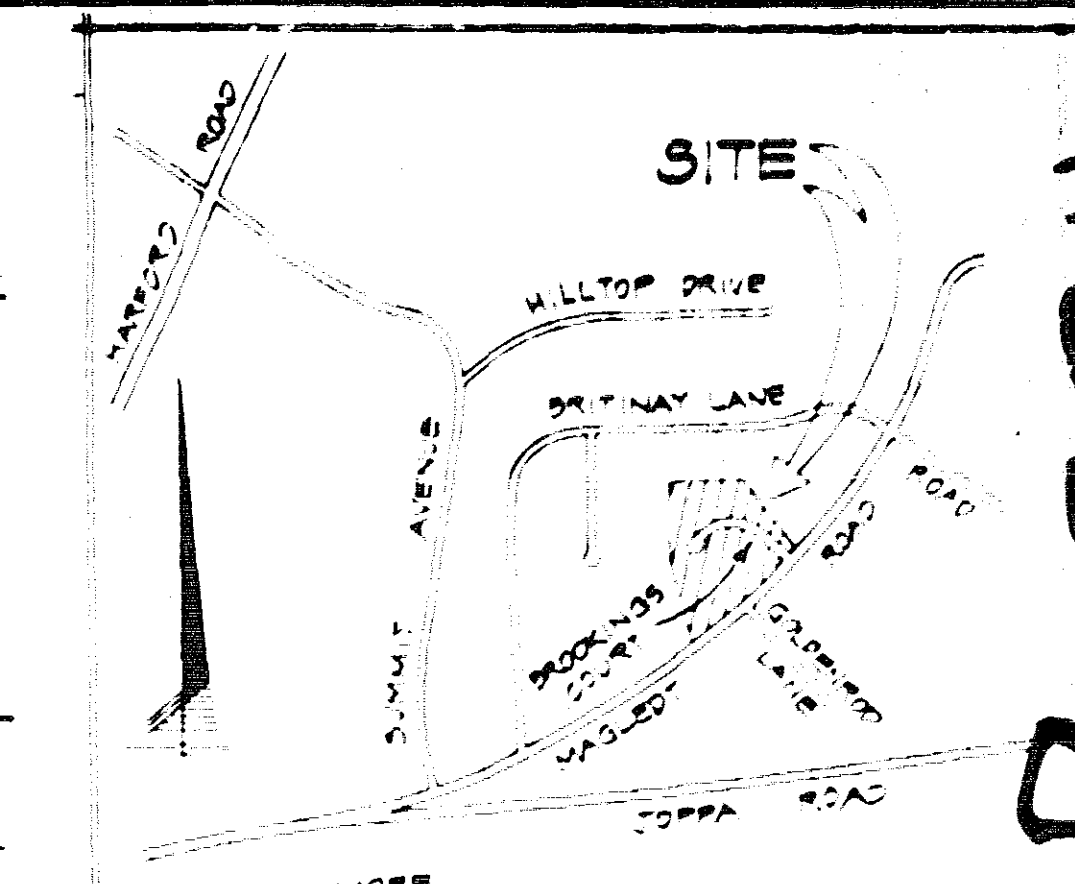
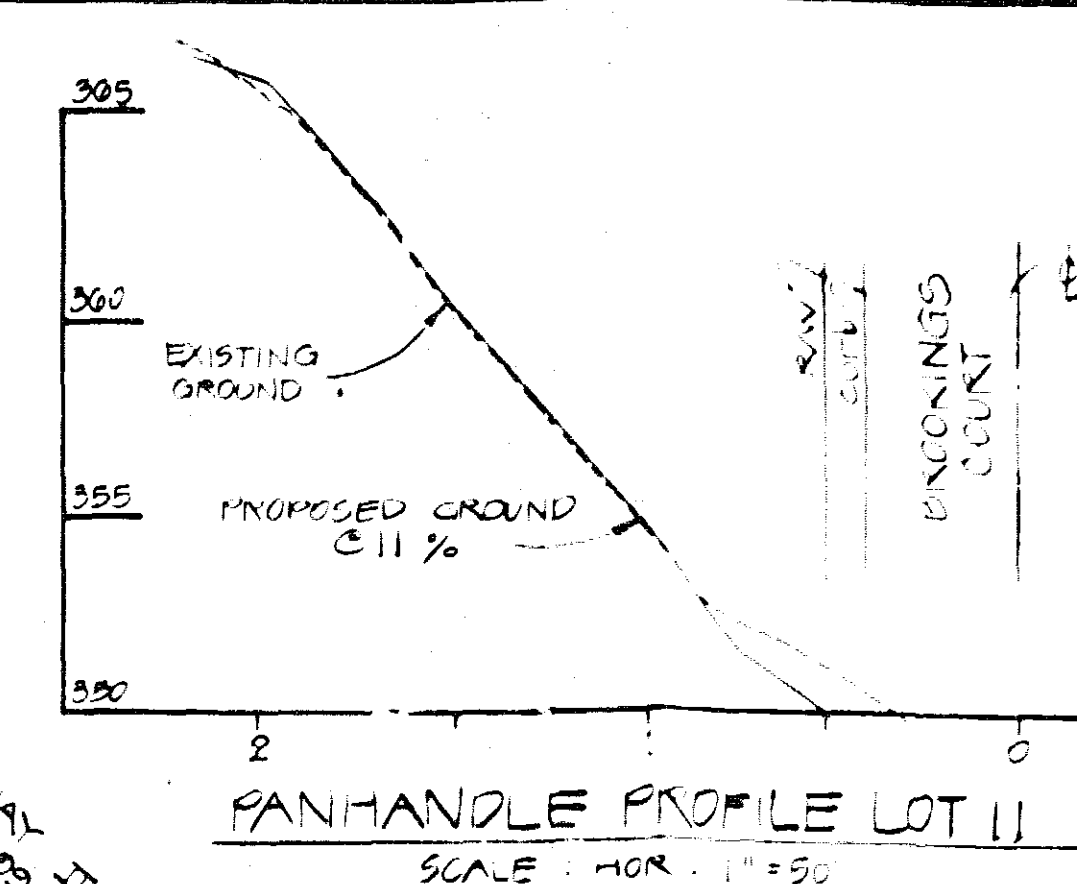
DATE	REVISIONS
4-13-92	1

DUVAL & ASSOCIATES, P.A.

ENGINEERS & SURVEYORS
8 Edgewood Court
Pikesville, MD. 21113
410-886-5467

OWNER / DEVELOPER:
JOSEPH E. BUCHANAN
9712 MAGLEDT ROAD
BALTO, MD. 21234
661-2431

OFFICE OF THE COUNTY ENGINEER'S
EXHIBIT No. 1
COLLECTION OF PLANNING
BOOKING NO. 55-1089



SETBACKS OUT OF TRANSITION:

BUILDING TO EX. R/W	25'
BUILDING TO EX. R/W E.	50'
BUILDING TO PROPOSED R/W	0'
BUILDING TO TRACT BOUNDARY	30'
WINDOW TO WINDOW	40'
WINDOW TO STREET R/W	25'
WINDOW TO TRACT BOUNDARY	35'
WINDOW TO PROPERTY LINE	15'

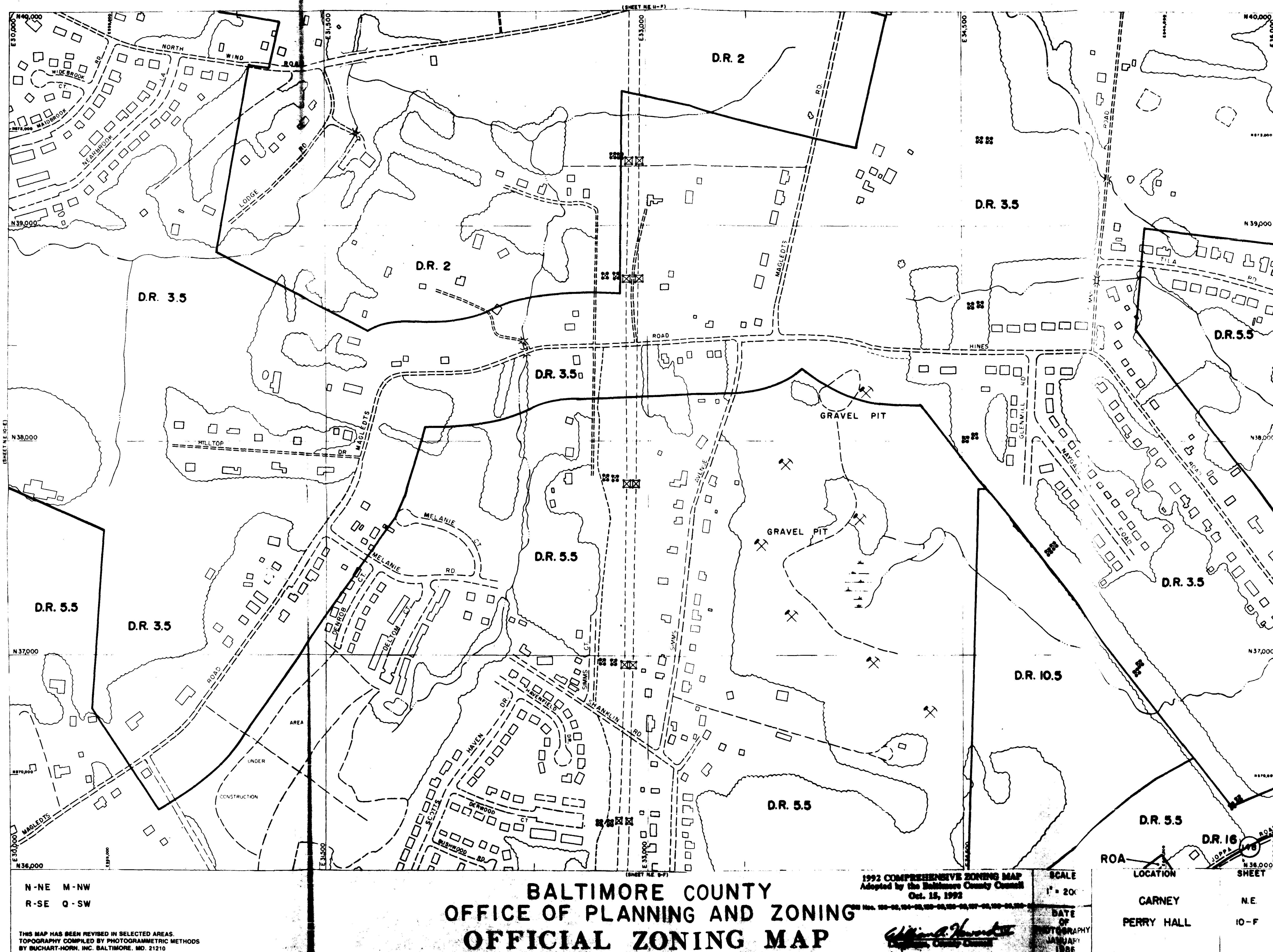
GENERAL NOTES:

- 1) ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND PROTECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 260 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATION (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)
- 2) ACCESSORY STRUCTURES, FENCES AND PROTECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRA SOLS.
- 3) THE DEVELOPMENT PLAN IS APPROVED BY THE ZONING COMMISSION BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLEIES WITH PRESENT POLICY, DENSITY AND BUILD CONTROLS AS THEY ARE DEEMED IN THE REGULATIONS. ANY PART OR LABEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL TAKE OCCURENCE WHEN A DEVELOPER'S DEVELOPMENT AND TRANSFERRED FROM THE PURPOSE OF RESIDENCY.
- 4) THE EXACT LOCATION OF CURB CUTS FOR DRIVEWAYS OR PARKING PAD ENTRANCES IS TO BE DETERMINED BY OWNER WHEN EXACT BUILDING NEEDS BECOME AVAILABLE BUT PRIOR TO INSTALLATION OF STREET CURBS.
- 5) IF DRAINAGE, UTILITY AND WALKWAY EASEMENTS ARE FIXED, THEY AT LEAST 5 FEET MUST REMAIN OPEN FOR PEDESTRIAN ACCESS.
- 6) THIS DEVELOPMENT PLAN COMPLEIES WITH THE ORG PLAN AND ALL ORG (MINIMUMS).
- 7) A LANDSCAPE PLAN MUST BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- 8) A TRIANGLE STREET LIGHT STANDARD.
- 9) PRIVATE PARKING AREAS, DRIVEWAYS AND PANHANDLE DRIVE SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22.1.2 OF THE ORG OR ZONING POLICY BMD (DRAINAGE DISTRICTS, CONTINUOUS CONC., SAGGAS IN PAVING AND CONC.)
- 10) ALENALE DAILY TRIPS * (21 LOTS) * (0.4) = 8.4 AUT
- 11) EXISTING WELLS AND SEPTIC AREAS WILL BE IDENTIFIED AND REMOVED IN ACCORDANCE WITH BALTIMORE COUNTY HEALTH DEPARTMENT REGULATIONS.
- 12) PAVED YARD WILL BE PERMITTED TO OWNERS AND EMPLOYERS WATTS.
- 13) EXISTING BUILDINGS ON LOTS 2 AND 3 TO REMAIN. EXISTING SPEC ON LOT 3 TO BE MAINT.
- 14) THERE ARE NO HISTORIC BUILDINGS ON THIS SITE.

REASON FOR THIRD AMENDMENT:
OWNER RESTORED LOTS 20 & 21 BY CHANGING LOT 20 THERE HAS BEEN AN INCREASE IN DENSITY TO THE APPROVED ORG PLAN # 2113 WHICH ALLOWS 22 LOTS
NON-MATERIAL CHANGE

189

H-5-881-46



94-188-384